

REMARKS

Applicant respectfully requests consideration of the subject application.

Office Action Rejections Summary

Claim 22 has been rejected under the doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,285,989 to Shoham (hereinafter "Shoham"). Claims 1 – 7 and 15 – 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Friedland, U.S. Patent No. 6,449,601 (hereinafter "Friedland") in view of Tilfors, U.S. Patent No. 6,405,180 (hereinafter "Tilfors") and further in view of Ferstenberg, U.S. Patent No. 5,873,071 (hereinafter "Ferstenberg").

Status of the Claims

Claims 9 – 13 and 22 remain pending in this application. Claims 1 – 7 and 15 – 21 have been canceled without prejudice. No new claims have been added.

Double Patenting Rejection

Claim 22 has been rejected under the doctrine of non-statutory type double patenting as being unpatentable over claim 1 of Shoham. Applicant submitted a Terminal Disclaimer under 37 C.F.R. § 1.321(c) on November 29, 2004 to overcome this rejection. The Office Action mailed March 3, 2005 acknowledges receipt of the Terminal Disclaimer but states that the Non-Statutory Type Double Patenting Rejection is maintained because the Special Program Examiner of Technology Center 3600 has not filed a determination of compliance with 35 U.S.C. 2563 and 37 C.F.R. 1.321 and 3.73 and 1.20(d) (Office Action, page 2, para. 3).

Applicant respectfully maintains that the Terminal Disclaimer mailed

March 3, 2005 is in proper compliance under 35 U.S.C. 2563 and 37 C.F.R. 1.321 and 3.73 and 1.20(d), and requests removal of the rejection.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1 – 7 and 15 – 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Friedland in view of Tilfors, and further in view of Ferstenberg. As claims 1 – 7 and 15 – 21 have been canceled, the rejection under 35 U.S.C. 103(a) is now moot.

In conclusion, in light of the Terminal Disclaimer submitted for claim 22 as well as the cancellation of claims 1 – 7 and 15 – 21, applicant respectfully submits that the remaining claims are now in condition for allowance. If the allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Suk Lee at (408) 720-8300. If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,
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Dated: July 11, 2005



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